

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9203 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT

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BABARBHAI MATHURBHAI PATEL THROUGH LEGAL HEIRS

Versus

COMPETENT AUTHORITY AND DY COLLECTOR & OTHERS

Appearance:

MR PRAFUL J BHATT for Petitioners

MR MUKESH PATEL AGP for Respondent No.1

RULE SERVED for Respondent No. 2, 3

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 16/08/1999

ORAL JUDGEMENT

1. This petition arises from orders passed under the provisions of the Urban Land (Ceiling & Regulation) Act, 1976.

2. It is common ground on both sides that the State of Gujarat adopted the Urban Land (Ceiling & Regulation) Repeal Act, 1999 on 30th March, 1999.

3. It is also common ground on both sides that by virtue of section 4 of the Repeal Act, all proceedings pending on the said date shall abate.

4. It is so found and accordingly held, and the present petition is disposed off accordingly.

5. Learned AGP states on instructions that the State of Gujarat will abide by the Circular issued by the State Government in the Revenue Department No. ULC/1099-602/V1 dated 15th April, 1999.

6. Rule is accordingly discharged with no order as to costs. Interim relief, if any, stands vacated.

7. I may however observe from the record of the present petition (wherein the respondents have not filed any affidavit-in-reply) that the petitioners appear to be in possession of the property in question. I have also perused the parawise remarks supplied to Mr. Mukesh Patel, learned counsel for the respondent-State, and I have found therefrom that only a notification under section 10(3) was forwarded for publication, which may or may not have been published. Apparently, no further action has been taken. It would therefore appear that the petitioners are in possession of the property in question. It is further clarified that these are mere observations on the state of the record in the present petition and are not to be construed to be findings of fact upon any factual controversy between the parties.

(Y.B. BHATT, J.)

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